

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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HERMAN JOHNSON, et al.,

Plaintiffs,

- against -

NEW YORK CITY DEPARTMENT OF
HEALTH, et al.,

Defendants.
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ORDER

06 Civ. 13699 (BSJ)(FM)

FRANK MAAS, United States Magistrate Judge.

Pursuant to the telephone conference held earlier today, it is hereby


ORDERED that:

1. By April 20, 2009, the Department of Corrections shall submit to the plaintiffs and the Court an affidavit describing the search, if any, that previously was conducted to locate any logbooks or computerized records reflecting the movements of the plaintiffs from their cell blocks to the clinic and back; if such logbooks or records exist, the relevant entries shall be produced; if not, the affidavit shall state whether such logbooks or records ever existed, and if they are no longer available, what happened to them; if such logbooks or records were located, but relevant entries cannot be found, the affidavit shall describe the search that was conducted.
2. By April 23, 2009:
 - a. Plaintiff Santiago shall be deposed; and
 - b. Plaintiff Johnson and Santiago shall submit settlement demands to defense counsel. Defense counsel shall respond to the settlement demand made by Plaintiff Jenkins during the phone conference and the demands of the other plaintiffs.

3. Johnson may take depositions on written questions of two witnesses pursuant to Federal Rule of Civil Procedure 30(b)(6):
 - a. by April 27, 2009, Johnson shall provide his written questions to defense counsel; and
 - b. by May 18, 2009, defense counsel shall return the written responses, provided under oath, to Johnson.
4. Defense counsel shall produce to Johnson:
 - a. the staffing records, such as time sheets, reflecting the personnel assigned to the North Infirmary Command from June 23 to July 23, 2006; and
 - b. the certificate of incorporation for PHS P.C., as well as any contract or writing reflecting the relationship between that entity and Prison Health Services Inc.
5. The deadline for the completion of all fact discovery is extended to May 18, 2009. By that date, plaintiffs also shall produce to defense counsel any documents on which they propose to rely in their prosecution of this case.
6. Defendants shall serve and file their motion for summary judgment by June 29, 2009; plaintiffs shall serve and file opposition papers by July 31, 2009; defendants may serve and file a reply by August 14, 2009.

SO ORDERED.

Dated: New York, New York
April 6, 2009



FRANK MAAS
United States Magistrate Judge

Copies to:

Hon. Barbara S. Jones
United States District Judge

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